

## Committee Agenda

Committee: House Agriculture and Natural Resources  
Room: 464  
Date: Thursday, February 17, 2011  
Time: 7:45 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[HB 1210](#)     **provide for the lease of hunting rights on certain school and public lands.**  
Representatives Olson (Betty), Bolin, Brunner, Hubbel, Jones, Juhnke, Kirkeby, Miller, Munsterman, Nelson (Stace), Russell, Schrempp, and Tulson and Senators Schlekeway, Bradford, Garnos, Kraus, Lederman, Maher, and Sutton

### BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[HB 1132](#)     **exempt certain seasonal employees from obtaining a applicator license to apply pesticides.**  
Representatives Russell and Verchio and Senator Rampelberg

[HB 1178](#)     **restrict the entry of conservation officers onto certain private land without permission.**  
Representatives Nelson (Stace), Bolin, Gosch, Greenfield, Hansen (Jon), Hoffman, Hubbel, Jensen, Kopp, Liss, Magstadt, Miller, Moser, Olson (Betty), Russell, Solum, Steele, Stricherz, and Verchio and Senators Maher, Lederman, Nygaard, Rampelberg, and Rhoden

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KIM VANNEMAN, Chair

86<sup>th</sup> Legislative Session – 2011

Committee: House Health and Human Services

Thursday, February 17, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Blake  
P Haggard  
P Hawley  
P Hickey  
P Iron Cloud III  
P Jensen  
P Lucas  
P Magstadt  
P Sly  
P Steele  
P Stricherz  
P Munsterman, Vice-Chair  
P Boomgarden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Boomgarden, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 8, 2011

Moved by: Blake  
Second by: Sly  
Action: Prevailed by voice vote.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 15, 2011

Moved by: Blake  
Second by: Steele  
Action: Prevailed by voice vote.

HB 1059: revise the examination required to practice cosmetology.

Presented by: Representative Patty Miller

MOTION: DEFER HB 1059 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Munsterman

Second by: Hickey

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Haggar, Hawley, Hickey, Jensen, Lucas, Magstadt, Sly, Steele, Stricherz, Munsterman, Boomgarden

Excused: Iron Cloud III

HB 1240: exempt cottage food operations from certain licensure requirements and to establish alternative requirements for the sale of certain baked goods.

Presented by: Representative Brock Greenfield

Proponents: Jamie Johnson, Self, Frankfort

MOTION: AMEND HB 1240

1240ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

Any person selling non-temperature-controlled baked goods from the person's own primary residence is exempt from the licensing and license fee provisions of this chapter under the following conditions:

- (1) Any non-temperature-controlled baked goods sold from a person's own primary residence is for consumption off the premises;
- (2) Any non-temperature-controlled baked goods sold from a person's own primary residence meets the requirements of § 34-18-37; and
- (3) The total gross receipts from the sale of non-temperature-controlled baked goods from the

person's own primary residence does not exceed five thousand dollars in a calendar year."

Moved by: Munsterman  
Second by: Magstadt  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1240 AS AMENDED

Moved by: Munsterman  
Second by: Sly  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Haggar, Hawley, Hickey, Iron Cloud III, Jensen, Lucas, Magstadt, Sly, Steele, Stricherz, Munsterman, Boomgarden

MOTION: AMEND TITLE OF HB 1240

1240jta

On page 1, line 1, of the printed bill, delete everything after "exempt" and insert "certain sales of non-temperature-controlled baked goods from certain licensing requirements.".

On page 1, delete line 2.

Moved by: Hickey  
Second by: Sly  
Action: Prevailed by voice vote.

MOTION: PLACE HB 1240 ON CONSENT CALENDAR

Moved by: Magstadt  
Second by: Jensen  
Action: Failed by voice vote.

HB 1254: prohibit the use of bisphenol A and cadmium in certain products.

Presented by: Representative Marc Feinstein  
Proponents: Representative Tom Jones  
Greg Boris, South Dakota Voices for Children  
Dr. Urvashi Rangan, Director of Technical Policy, Consumers Union - Via telephone  
(Handout: 1)

Opponents: Dr. Barry Timms, Self, Vermillion (Handout: 2)  
Dr. Steven Hentenges, American Chemistry Council - Via Telephone (Handout: 3)  
Shawn Lyons, SD Retailers Association (Handouts: 4, 5)  
Joe Gregorich, Toy Industry Alliance  
Jeff Palmer, Dakota Splash, International Bottled Water Association (Handout: 6)  
David Owen, SD Chamber of Commerce & Industry  
Drew Duncan, Pharma  
Jason Hanson, Self, Watertown  
Roger Inman, Self, Pierre

John Easter, American Chemistry Council, answered questions.

MOTION: AMEND HB 1254

1254ja

On page 2 of the printed bill, delete lines 8 to 10, inclusive, and insert:

"

Section 3. Beginning July 1, 2012, any reusable food or beverage container that contains bisphenol A shall be labeled with a warning indicating the potential dangers to both male and female reproductive health and fetal and child development."

Moved by: Hickey  
Second by: Munsterman  
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Blake, Haggar, Hickey, Jensen, Lucas, Munsterman

Voting No: Hawley, Iron Cloud III, Magstadt, Steele, Stricherz, Boomgarden

Excused: Sly

MOTION: AMEND HB 1254

1254tb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. For the purposes of this Act, the term, child's container, means an empty, reusable

bottle or spill-proof cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a person three years of age or younger. The term does not include food or beverage containers intended for disposal after initial use.

Section 2. By January 1, 2012, no manufacturer or wholesaler may sell or offer for sale in this state a child's container that contains bisphenol A. By January 1, 2013, no retailer may sell or offer for sale in this state a child's container that contains bisphenol A. This section does not apply to sale of a used child's container."

Moved by: Blake  
Second by: Lucas  
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Blake, Hawley, Iron Cloud III, Lucas, Magstadt, Stricherz

Voting No: Haggar, Hickey, Jensen, Steele, Munsterman, Boomgarden

Excused: Sly

MOTION: DEFER HB 1254 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Munsterman  
Second by: Jensen  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1254

Moved by: Blake  
Second by: Hickey  
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Blake, Iron Cloud III, Lucas, Stricherz

Voting No: Haggar, Hawley, Hickey, Jensen, Magstadt, Steele, Munsterman, Boomgarden

Excused: Sly

THE MOTION TO DEFER HB 1254 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Munsterman  
Second by: Jensen

Action: PREVAILED BY ROLL CALL VOTE. (7-5-1-0)

Voting Yes: Haggar, Hawley, Jensen, Magstadt, Steele, Munsterman, Boomgarden

Voting No: Blake, Hickey, Iron Cloud III, Lucas, Stricherz

Excused: Sly

MOTION: ADJOURN

Moved by: Munsterman

Second by: Blake

Action: Prevailed by voice vote.

Joshua Klumb  
Committee Secretary

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Jamie Boomgarden, Chair

## Committee Agenda

Committee: House Judiciary  
Room: 464  
Date: Thursday, February 17, 2011  
Time: 10:00 AM

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*Any of the following bills that were not acted on in the February 16, 2011, meeting will be heard today.*

- [HB 1079](#)      **repeal certain provisions related to the purchase of firearms by out-of-state residents.**  
Representatives Gosch, Bolin, Brunner, Conzet, Gibson, Hunt, Liss, and Novstrup (David) and Senators Olson (Russell), Begalka, Brown, Frerichs, Peters, Rave, and Tieszen
- [HB 1219](#)      **extend certain protections against precipitous eviction to certain long-term tenants at will.**  
Representatives Stricherz, Elliott, Jensen, Killer, Magstadt, Nelson (Stace), Tornow, and Willadsen and Senator Lederman
- [HB 1237](#)      **provide for an individual mandate to adult citizens to provide for the self defense of themselves and others.**  
Representatives Wick, Brunner, and Greenfield and Senators Rampelberg and Begalka
- [HB 1241](#)      **revise certain penalties for the sale or service of an alcoholic beverage to a person under the age of twenty-one.**  
Representative Greenfield
- [HB 1242](#)      **authorize the use of tribal identification cards as the equivalent of certain state-issued documents for identification purposes.**  
Representatives Killer, Elliott, Fargen, Hunhoff (Bernie), Iron Cloud III, Kirschman, Lucas, Schrempp, Sigdestad, Stricherz, and Wismer and Senators Bradford, Buhl, Frerichs, Lederman, Maher, Nygaard, Schlekeway, and Sutton
- [HB 1255](#)      **provide for the award of joint physical custody of children under certain circumstances.**  
The Committee on Health and Human Services
- [HJR 1004](#)      **Proposing and submitting to the electors at the next general election an amendment to Article V, section 1 of the Constitution of the State of South Dakota relating to prohibiting the application of international law, the law of foreign nations, and certain foreign religious or moral codes in the state courts of South Dakota.**  
Representatives Jensen, Bolin, Boomgarden, Brunner, Deelstra, Greenfield, Haggard, Hansen (Jon), Hickey, Hoffman, Hubbel, Kopp, Liss, Magstadt, Miller, Munsterman, Nelson (Stace), Olson (Betty), Schaefer, Solum, Steele, Stricherz, Tornow, Tulson, Van Gerpen, Vanneman, Verchio, and Willadsen and Senators Rhoden, Kraus, Lederman, Maher, and Schlekeway



## Committee Agenda

Committee: House Local Government  
Room: 414  
Date: Thursday, February 17, 2011  
Time: 10:00 AM

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- [HB 1136](#)      **extend the current fee charged for annual report filings for one year.**  
Representatives Gosch, Bolin, Dryden, Jensen, Moser, Nelson (Stace), Olson (Betty), and Verchio and Senators Brown, Gray, Haverly, Tieszen, and Vehle
- [SB 61](#)      **authorize board members of sanitary districts to contract with the districts in limited cases.**  
Senators Nelson (Tom), Hunhoff (Jean), and Tieszen and Representatives Munsterman, Magstadt, and Turbiville
- [SB 62](#)\*      **revise procedures and amounts relating to compensation and expense reimbursement for sanitary district board members.**  
Senators Nelson (Tom), Nygaard, and Tieszen and Representatives Turbiville, Magstadt, and Munsterman
- [SB 75](#)\*      **revise the requirements for the annual conference held for the directors of equalization.**  
Senators Holien, Bradford, Fryslie, and Tieszen and Representatives Venner, Cronin, Deelstra, Kirkeby, Olson (Betty), and Schrempp

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MARK KIRKEBY, Chair

## Committee Agenda

Committee: House Taxation  
Room: LCR1  
Date: Thursday, February 17, 2011  
Time: 8:00 AM

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[HB 1187](#)      **provide for an interim study of the exemptions provided for the sales, use, and excise taxes imposed by the state.**

Representatives Lust and Cronin and Senators Olson (Russell) and Brown

[SB 40](#)\*      **provide that the uniform administration of certain state taxes apply to the telecommunications gross receipts tax and to limit the application of the uniform administration of certain state taxes.**

The Committee on Taxation at the request of the Department of Revenue and Regulation

[SB 90](#)\*      **revise certain provisions concerning tax incremental districts.**

Senator Gray and Representative Turbiville

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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MARK K. WILLADSEN, Chair

## Committee Agenda

Committee: House Transportation  
Room: 413  
Date: Thursday, February 17, 2011  
Time: 10:00 AM

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[SB 99](#)      **revise the provisions that determine the amount of the motor vehicle registration fees that shall be applied based on the age of the vehicles.**  
Senators Vehle, Bradford, Brown, Frerichs, Fryslie, Hansen (Tom), Hundstad, Hunhoff (Jean), Krebs, Maher, Nelson (Tom), Rhoden, Sutton, and Tieszen and Representatives Rozum, Bolin, Brunner, Feickert, Hubbel, Kopp, Lust, Perry, Solum, Street, Turbiville, and Vanneman

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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MIKE VERCHIO, Chair